



1F AF

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,212 Confirmation No.: 2780

Applicant : David R. Hennings

Filing Date : October 30, 2003

Title : Endovenous Closure of Varicose Veins with Mid-Infrared Laser

Group Art Unit : 3735

Examiner : David M. Shay

Docket No. : 15487.4002

Customer No. : 34313

MAIL STOP Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

05/18/2009 CCHAUI 00000040 150665 10659212  
01 FC:2401 270.00 DA

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the Final Official Action mailed March 13, 2009, finally rejecting claims 1-17, 19-23 and 25-46.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 540.00

The fee for the request for an oral hearing \$ 1080.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore,  
the fee shown above is reduced by half, and the resulting fee is: \$ 810.00.

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner has already been authorized to charge fees in this application to Deposit  
Account No. 150665. (Duplicate copy enclosed.)

☒ The Commissioner is hereby authorized to charge any deficiency in fees or credit any  
overpayment, as may be required, to Deposit Account No. 15-0665.

☐ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

05/18/2009 CCHAUI 00000039 150665 10659212

**CERTIFICATE OF MAILING**  
37 CFR §1.8

01 FC:1401 540.00 DA  
I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Commissioner for Patents, Mail Stop Appeal Brief-Patents P.O. Box 1450, Alexandria, VA 22313-1450

Dated: 5/13/2009

OHS West:260659701.1

*Karen Johnson*

Karen Johnson

2780  
10659212  
05/18/2009 CCHAUI  
00000040 150665 10659212  
01 FC:2401 270.00 DA  
540.00

Applicant : David R. Hennings  
Appl. No. : 10/699,212  
Examiner : David M. Shay  
Docket No. : 15487.4002

I am the:

- ☐ Applicant.
- ☐ Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.
- ☒ Attorney or agent of record.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 12, 2009

By:   
James W. Geriak, Reg. No. 20,233

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710  
Customer Number: 34313



**COPY**

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,212 Confirmation No.: 2780  
Applicant : David R. Hennings  
Filing Date : October 30, 2003  
Title : Endovenous Closure of Varicose Veins with Mid-Infrared Laser  
Group Art Unit : 3735  
Examiner : David M. Shay  
Docket No. : 15487.4002  
Customer No. : 34313

MAIL STOP Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the Final Official Action mailed March 13, 2009, finally rejecting claims 1-17, 19-23 and 25-46.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 540.00

The fee for the request for an oral hearing \$ 1080.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore,  
the fee shown above is reduced by half, and the resulting fee is: \$ 810.00.

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner has already been authorized to charge fees in this application to Deposit Account No. 150665. (Duplicate copy enclosed.)

☒ The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment, as may be required, to Deposit Account No. 15-0665.

☐ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

CERTIFICATE OF MAILING  
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Commissioner for Patents, Mail Stop Appeal Brief-Patents P.O. Box 1450, Alexandria, VA 22313-1450

Dated: 5/13/2009

OHS West:260659701.1

*Karen Johnson*

Karen Johnson

Applicant : David R. Hennings  
Appl. No. : 10/699,212  
Examiner : David M. Shay  
Docket No. : 15487.4002

I am the:

- ☐ Applicant.
- ☐ Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.
- ☒ Attorney or agent of record.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 12, 2009

By: 

James W. Geriak, Reg. No. 20,233

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710  
Customer Number: 34313